



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3188

NOV 15 2019

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Allan Folk
President
Atlanta Gold Corporation
P.O. Box 94
Star, Idaho 83669

Re: Atlanta Gold Corporation
Atlanta Gold Project, 900 Level Adit, Permit No. IDG910006

Dear Mr. Folk:

On August 06, 2009, the U.S. Environmental Protection Agency (EPA) issued coverage under the National Pollutant Elimination System (NPDES) General Permit for Groundwater Remediation Discharge Facilities in Idaho, Atlanta Gold Corporation, Atlanta Gold Project, 900 Level Adit ("Facility"), Permit No. IDG910006 ("Permit"). The IDG910000 Permit became effective on July 1, 2007, and expired on June 30, 2012. Permit coverage was administratively extended upon expiring. On May 14, 2019, EPA conducted an inspection of the Facility to ensure compliance with the Clean Water Act (CWA) and the Permit. The purpose of this letter is to notify you of concerns EPA has following the inspection. I would like to express my appreciation for your staff's time and cooperation during the inspection.

MAY 2019 INSPECTION

1. Part II.A.9 of the Permit states that discharges must comply with the effluent limitations specified in Table 1 of the authorization letter dated August 06, 2019. A 5-year file review of Discharge Monitoring Reports (DMRs) from October 01, 2014 to current, shows the Facility exceeded the Maximum Daily Limit of 10 µg/l for Arsenic 34 times and 1,000 µg/l for Iron 8 times. The effluent limit exceedances for the Facility are attached (see attachment). This amounted to 42 violations of the Permit.

Failure to comply with the Effluent Limits for parameters listed in Table 1 of the authorization letter is a violation of the Permit.

2. Part II.A.9 of the Permit states that discharges must comply with the effluent limitations and monitoring requirements specified in Table 1 of the authorization letter. Table 1 requires continuous monitoring frequency and requires the monitoring to be recorded.

At the time of the inspection, the inspector noted the Facility was monitoring flow twice a day, 7-days a week using a Parshall Flume. Failure to monitor and record flow continuously is a violation of Part II.A.9 of the Permit.

3. Part II.J of the Permit states the Permittee must develop and implement an Operations and Maintenance (O&M) Plan and must be retained on-site and made available to EPA and IDEQ upon request.

The inspector stated the O&M Plan was not available upon request during the EPA inspection. It was later determined the Facility had a 2014 copy that needed to be updated. It was stated by Facility personnel that the O&M Plan would be updated in 2019 to incorporate the various changes within the Facility. Failure to retain a copy of the O&M Plan is a violation of the Permit.

4. Part III.A of the Permit states the permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by a permittee to achieve compliance with the conditions of the general NPDES permit. Proper O&M also includes best management practices, adequate laboratory controls and appropriate quality assurance procedures.

During the inspection, the inspector observed Tank #1 (cell#1) and Tank #2 (cell #3) to be at maximum capacity; water was observed overflowing from Tank #2 (cell #3) and infiltrating nearby. On-site personnel attributed the overflow to a possible dislodging of filter material due to high flows coming from the adit. Failure to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) is a violation of Part III.A of the Permit.

AREA OF CONCERN

1. At the time of the inspection, the inspector noted the Facility was using an EcoSense® pH10A Meter for effluent monitoring. On-site personnel stated a 3-point calibration is conducted quarterly. Review of the Quality Assurance Plan and manufacturer recommendation should be evaluated to confirm the calibration frequency of the pH meter.

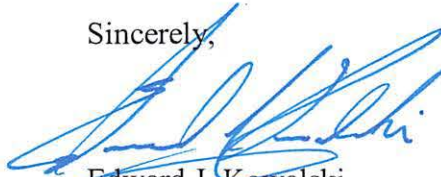
Atlanta Gold Corporation is required to respond, in writing, to the findings stated above within **thirty (30) days** of receipt of this letter. The response should include the causes of the violations, and the measures taken to address the current violations and prevent future violations. The request for information in this letter is made under the authority of Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. In accordance with the provisions of 40 C.F.R. § 2.203(b), you may assert a business confidentiality claim covering part or all the information submitted by clearly identifying it as "confidential." If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice. Your response should be sent to:

Ms. Maria Lopez
Compliance Officer
U.S. Environmental Protection Agency
Idaho Operations Office
950 W Bannock St
Suite 900
Boise, Idaho 83702

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the Permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to call Maria Lopez of my staff at (208) 378-5616.

Sincerely,



Edward J. Kowalski
Director

cc: Mr. Troy Smith
Idaho Department of Environmental Quality